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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,225	03/02/2004	Sol A. Gonzalvo		3639

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EXAMINER

ROBINSON, MARK A

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,225

Applicant(s)

GONZALVO, SOL A.

Examiner

Mark A. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2006 and 15 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 4-6 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 4 recites the width of the mirror surface to be not greater than two inches. However, this limitation is already present in claim 1.

Claim 5 recites the assembly to be "adapted for mounting" or "adapted to adhere" to the side mirror in order to view a driver's blind spot. However, claim 1 already requires the narrow viewing field mirror to be attached with adhesive to the vehicle rear view mirror. Further, "adapted" does not constitute a limitation since it does not specify or clearly set forth any structural limitations. Thus, this claim fails to further limit parent claim 1.

Claim 6 states that the viewing location is behind a computer user. However, this contradicts claim 1 which states this location to be a driver's blind spot. Thus, claim 6 is not

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a proper dependent claim since it fails to further limit parent claim 1.

2. Claims 2-6 is objected to because of the following informalities. Appropriate correction is required.

In claims 2-6 "The device" lacks antecedent basis. Note that "device" in claim 1 was changed to read "assembly" in the previous response dated 1/7/06.

In claim 5 lines 3-4 "the mirror surface of the device" lacks antecedent basis. Note that "the mirror surface" recited in lines 6-7 of claim 1 refers to the side view mirror of the vehicle and not the narrow viewing field mirror (which has a "mirrored surface" [emphasis added] as found in line 12 of claim 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinbloom (US 4182552) in view of Bowerman (US 3841769).

Feinbloom shows in figs. 2 and 3 a rear view mirror assembly able to be attached to a vehicle side mirror and including a base(37) with adhesive-covered attaching surface(GLUE), an interior mirror mounting surface spaced apart from and at an angle to the attaching surface upon which a narrow viewing field flat rectangular mirror(36) is attached. Note that this narrow viewing field mirror is also normally oriented at an angle to the side mirror and is capable of showing a specific location such as a blind spot.

Feinbloom does not show a post and ball and socket connection extending from the interior mounting surface of the base to allow for adjustability of the mirror. However, Bowerman shows a post and ball and socket adjusting assembly for a mirror in fig. 2. Note that Bowerman teaches a plethora of indents and protrusions to provide locking of the mirror at any angle and an L-shaped post (as recited in claim 2). It would have been obvious to the ordinarily skilled artisan at the time of invention to include the ball and socket adjusting arrangement shown by Bowerman with Feinbloom's mirror in order to enable full adjustment of the mirror to cover various viewing

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locations which would be enabled by the use of Bowerman's ball and socket.

Further, although not taught by the references, making the mirror surface not greater than two inches in width would have been obvious at the time of invention so as not to obstruct a substantial portion of the main mirror shown by Feinbloom.

Claims 4-6 fail to further limit and/or are directed to the intended use of the device. Since the mirror of Feinbloom in view of Bowerman is capable of being used in the claimed manner (note that Feinbloom shows the mirror mounted near an edge of a side mirror), these claims are met by the references.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive. The claims as amended are still seen as being obvious over the combination of references set forth in the rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR

11/3/06


MARK A. ROBINSON
PRIMARY EXAMINER